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II. SUMMARY OF THE PROVISIONS OF THE BIOLOGICAL
WEAPONS CONVENTION, 1972

Article I contains an undertaking by the Parties to the Convention "never in any circumstances to develop, produce, stockpile or otherwise acquire or retain microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes," as well as ". . . weapons, equipment or means of delivery to use such agents or toxins for hostile purposes or in armed conflict."

Although Article I establishes no quantitative limits on biological agents or toxins, the negotiating record clearly indicates that the provisions of Article I would not permit any quantities of the agents or toxins covered to be developed, produced, stockpiled, acquired or retained for hostile purposes or for use in armed conflict. Nor would they permit the stockpiling or retention for non-peaceful purposes of biological agents or toxins that, when acquired, had a justification for a peaceful purpose, such as meeting medical requirements.

Article I provides that biological agents or toxins justified for purposes covered by the terms "prophylactic" and "protective" are not prohibited by this Convention. The word "prophylactic" refers to activities related to the protection of the human body from the effects of organisms

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or substances to which an individual might be directly exposed. It encompasses medical activities such as diagnosis, immunization, and related research. The term "protective" applies to the development of such equipment as decontamination systems, protective masks and clothing, air and water filtration systems, and detection and warning devices. Laboratory quantities of certain biological agents and toxins might well be required for research and testing in these areas. In order to avoid any possible ambiguity, it was made clear during the negotiation of this Convention that the terms "prophylactic" and "protective" are not intended to convey any broader meaning which would in any way permit possession of biological agents or toxins for weapons purposes on the theory that such weapons were for "defensive" warfare, retaliation or deterrence.

Article II requires the destruction or diversion for peaceful purposes of all biological agents or toxins, not justified under Article I, no later than nine months after entry into force of the Convention. The deadline for destruction was December 26, 1975. Destruction of US stocks was completed before that date.

Article IV requires each State Party, in accordance with its constitutional processes, to take any necessary measures to prohibit and prevent the development, production,

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stockpiling, acquisition or retention of biological agents and toxins within its territory, under its jurisdiction or control anywhere.

Article V contains an undertaking by the Parties "... to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention."

Article V provides that this consultation and cooperation may be undertaken either directly among Parties or through appropriate international procedures within the framework of the United Nations.

It was agreed by the Parties at the Review Conference in March 1980 that this includes, inter alia, the right of any Party to request that a consultative meeting open to all Parties be convened at the expert level.

Article VI permits a State Party to lodge a complaint with the Security Council of the United Nations, if it "finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention. Such a complaint should include all possible evidence confirming its validity...."

Article IX contains an undertaking to continue negotiations on prohibition of chemical weapons.

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Article XII provides for the convening of a Conference no later than five years from the date of entry into force "to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention... are being realized."

This conference was held in Geneva from March 3 to March 21, 1980. It was agreed that a second Review Conference "...shall be held in Geneva at the request of a majority of States Parties not earlier than 1985 and, in any case, not later than 1990."

Article XIII provides that the Convention shall be of unlimited duration, but contains a clause permitting a party to withdraw from the Convention by giving three months' advance notice "if it decides that extraordinary events related to the subject matter of the Convention, have jeopardized the supreme interests of its country."

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